IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

LA.App..No. 593 of 2005()

LAR.181/2000 of PRINCIPAL SUB COURT,PARAVUR
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APPELLANT:

STATE OF KERALA,
REPRESENTED BY DISTRICT COLLECTOR,
ERNAKULAM, ERNAKULAM DISTRICT.

BY GOVERNMENT PLEADER SRI.K.V.MANOJKUMAR.

RESPONDENTS:
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1. DEVASSY, S/O.CHAKKAPPAN,
PADAYATTY HOUSE, NAYATHODEKARA.

2. KOCHI INTERNATIONAL AIRPORT SOCIETY,
REP. BY ITS MANAGING DIRECTOR,
NEDUMBASSERY, ANGAMALY.

BY ADV. SMT.ROSE MICHAEL

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 05/12/2007, ALONG WITH LAA 744/07 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.No.593 of 2005

Dated this the 5th day of December, 2007

JUDGMENT

Kurian Joseph,J.

This is an appeal filed by the State aggrieved by the fixation of land value in L.A.R.No.181/2000 on the file of the Sub Court, North Parur. The acquisition is for Cochin International Air Port. The Land Acquisition Officer fixed the land value at Rs.8,000/- per Are. The reference court granted enhancement at the rate of 80%. Learned counsel for the Air Port submits that in cases where the reference court granted enhancement at the rate of 65% this court has already remanded by judgment in L.A.A.No.1532/2005 and hence this case also may be remanded. Learned counsel for the respondents/claimants submits that the total extent involved in this case is only 1.50 Ares and in view of the evidence available on record the court in fact should have granted the claim at the rate of Rs.25,000/- per cent. It is also submitted that at any rate in view of the evidence available in the case the enhancement is perfectly justified. It is further submitted that if in any event this court remits the matter to the reference court opportunity may be given to the claimants also to adduce fresh evidence for further enhancement.

2. Having regard to the rival contentions we are of the view that it is only appropriate that the matter is remitted to the reference court

since several cases of similar nature have been remitted. However, we make it clear that this case need not be tagged with the batch of 65% enhancement, The same shall be independently decided.

With the above observations we set aside the judgment and decree in L.A.R.No.181/2000 and remit the matter to the reference court for fresh consideration. The parties shall appear before the reference court on 11-1-2008. The reference shall be answered within another six months. The parties are free to adduce fresh evidence in the matter.

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE)

ahg.

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A.No.593 of 2005

JUDGMENT

5th December, 2007